

Notice of Determination

Appendix D

To:

☒ Office of Planning and Research
 U.S. Mail: Street Address:
 P.O. Box 3044 1400 Tenth St., Rm 113
 Sacramento, CA 95812-3044 Sacramento, CA 95814

☐ County Clerk

County of: _____
 Address: _____

From:

Public Agency: Yuba County Water Agency
 Address: 1220 F Street
 Marysville, CA 95901-4740
 Contact: Jacob Vander Meulen
 Phone: (530) 740-7071

Lead Agency (if different from above):

same as above

Address: _____

Contact: _____

Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2019129049

Project Title: Log Cabin and Our House Diversion Dams Sediment Management Plan

Project Applicant: Yuba County Water Agency

Project Location (include county): Nevada, Sierra and Yuba counties

Project Description:

The purpose of the Plan is to prescribe procedures and guidelines for sediment management behind Log Cabin and Our House Diversion Dams. The objectives are twofold: 1) to provide for dam safety and proper functioning of FERC Project facilities, especially the fish release and low level outlet valves; and 2) to maintain the health of the aquatic environment downstream of the dams by allowing the passage of sediments that occur behind the dams. +

This is to advise that the Yuba County Water Agency +
 (☒ Lead Agency or ☐ Responsible Agency)

described project on 1/21/2020 and has made the following determinations regarding the above
 (date)
 described project.

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

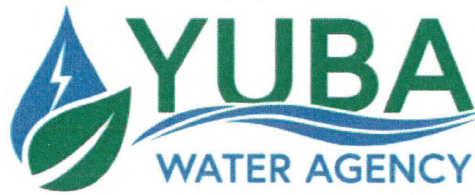
Yuba County Water Agency office: 1220 F Street, Marysville, CA 95901

Signature (Public Agency): [Signature] Title: General Manager

Date: 1/22/2020 Date Received for filing at OPR: Governor's Office of Planning & Research

Authority cited: Sections 21083, Public Resources Code.
 Reference Section 21000-21174, Public Resources Code.

JAN 22 2020
 Revised 2011
 STATE CLEARINGHOUSE



Log Cabin and Our House Diversion Dams Sediment Management Plan

Yuba River Development Project, FERC No. 2246

MITIGATION MONITORING AND REPORTING PROGRAM

**Prepared for
Yuba County Water Agency
Marysville, California**

**Prepared by
HDR Engineering, Inc.
Sacramento, California**

January 2020

Mitigation Monitoring and Reporting Program

1.0 Introduction

Section 21081.6(a)(1) of the California Environmental Quality Act (CEQA) of the Public Resources Code, requires public agencies, as part of the certification of a mitigated negative declaration (MND), to prepare and approve a reporting and/or monitoring program. This program should be structured to ensure that changes to the project that the lead agency has adopted to mitigate or avoid significant environmental impacts are carried out during project implementation.

This mitigation monitoring and reporting program (MMRP) is intended to be used by Yuba County Water Agency (YCWA) staff, responsible and participating agencies, and mitigation monitoring personnel during implementation of the updated *Log Cabin and Our House Diversion Dams Sediment Management Plan*. The intent of the MMRP is to ensure the effective implementation and enforcement of adopted mitigation measures. The MMRP consists of a compliance checklist that identifies the adopted mitigation measures, the timing of implementation of the measures, the monitoring frequency of the measures, the entity responsible for their implementation and monitoring, and the performance criteria used to evaluate implementation of the mitigation measures. The mitigation measures presented in the following table are incorporated into the proposed project.

Mitigation Monitoring and Reporting Program for the Log Cabin and Our House Diversion Dams Sediment Management Plan					
Mitigation Measure	Initiation of Mitigation	Monitoring Frequency	Responsibility for Verification of Compliance	Performance Criteria	Date Compliance Completed
3.3 Air Quality					
Mitigation Measure AQ-1. Water exposed areas two times per day	During all project activities	Every day during project activities	Lead agency and primary construction contractor	Construction monitor will check watering is done	
Mitigation Measure AQ-2. Limit vehicle speed on unpaved roads to 15 mph	During all project activities	Every day during project activities	Lead agency and primary construction contractor	Construction monitor will control speeds of vehicles	
Mitigation Measure AQ-3. Clean visible mud from paved road entrances at least once per day	During all project activities	Every day during project activities	Lead agency and primary construction contractor.	Construction monitor will check cleaning is done daily, SWPPP QSP will monitor when onsite	
Mitigation Measure AQ-4. Hydroseed disposed sediment as soon as practical.	At the end of project activities	Per the requirements of the SWPPP post project activities	Lead agency and primary construction contractor	Per SWPPP requirements and document date and report	
Mitigation Measure AQ-5. Diesel idling time to be limited to 5 minutes per Title 13, Section 2485 of CCR. (note that this does not apply to USEPA certified “clean idle” vehicles).	During all project activities	Every day during project activities	Lead agency and primary construction contractor	Construction monitor will check that machines are not allowed to idle	
Mitigation Measure AQ-6. Diesels to be maintained per manufacturer recommendations.	During all project activities	Every day during project activities	Primary construction contractor	Keep logs on vehicle maintenance at all times	
Mitigation Measure AQ-7. Diesel off-road equipment to be tier 4 (where available).	During all project activities	Every day during project activities	Primary construction contractor	Keep log of vehicles	
Mitigation Measure AQ-8. Apply chemical stabilizer to unpaved roads to control particulate	During all project activities	Throughout project activities	Lead agency and primary construction contractor	Construction monitor will check daily and	

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emissions.				keep on log.	
Mitigation Measure AQ-9. On-road heavy duty truck fleet to comply with California Title 13 CCR § 2025 which requires that older vehicles be replaced by modern, emission-controlled trucks.	During all project activities	Every day during project activities	Primary construction contractor	Keep log of vehicles	
3.4 Biological Resources					
BIO-1: Minimizing Footprint. During construction, the work areas will be reduced to the smallest possible footprint. All project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities will be confined, to the greatest extent possible, to previously disturbed areas. Additionally, the project footprint/area will be clearly defined and marked to avoid working in areas outside of the approved project boundary.	During all project activities	Prior to beginning project work. Flagging will be inspected weekly during project activities.	Lead agency	Photo documentation of flagging at any sites prior to construction and maps of work area	
BIO-2: Biological Monitoring and Worker Environmental Awareness Training. A qualified biologist(s) will be on-site daily to monitor sediment removal and laydown activities that could potentially cause adverse effects on sensitive biological resources. The duties of the qualified biologist will comply with all agency conditions outlined in the CDFW incidental take permit or other project-related permits. In addition, a qualified biologist will be retained to conduct mandatory contractor/worker awareness training for construction personnel. The	Prior to project activities	Prior to beginning project work. Whenever new person starts work.	Lead agency	Documentation of educational program and sign-in sheet for all attendees	

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awareness training would be provided to all construction personnel, or personnel entering the project sites, to brief them on the locations of sensitive biological resources, how to identify species (visual and auditory) most likely to be present, required avoidance and minimization measures for biological resources, and to brief them on the penalties for not complying with biological mitigation requirements. If new personnel are added to the project, the contractor would be required to receive the mandatory training before starting work.					
BIO-3: Restoration of Temporarily Disturbed Areas. All exposed and/or disturbed areas resulting from project-related activities will be returned to their original contour and grade, and restored using locally appropriate grass and forb seeds, plugs or a mix of the two. Areas will be seeded with species appropriate to their topographical and hydrological character. For example, temporarily disturbed seasonal wetlands will be seeded with native hydrophytic species typical to the region; whereas upland areas will be seeded with an upland grass and forb mix. Seeded areas will be covered with broadcast straw and/or jute netted, where appropriate.	After all project activities	During and after seeding until targets met.	Lead agency	Documentation of monitoring, including photos	
BIO-4: Invasive Species Control. Prior to any vehicles and equipment entering a project site, a qualified biologist would perform an inspection for invasive plant species. All visible soil, plant	During project activities	Throughout construction period	Lead agency and primary construction contractor	Clean vehicles and equipment prior to use on the Project and inspect with	

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materials, animal remnants, or any other signs of invasive species on vehicles and equipment will be removed prior to entering the project site. Removal and decontamination requirements of vehicles and equipment will be up to the discretion of the qualified biologist. If an occurrence is small enough to be managed on-site, the qualified biologist may approve the decontamination of the vehicle or equipment at a proper staging area with adequate containment. Any materials removed at a containment site must be bagged and taken off-site. If an occurrence is large enough, the contractor may be required to take the vehicle or equipment to an off-site wash station. Additionally, if a vehicle or piece of equipment must leave the project site for any length of time and has been exposed to a different project site or location, it will be required to be re-inspected prior to re-entering the project site.				documentation to ensure clean	
BIO-5: Flagging Sensitive Resources. Prior to any work occurring, any known sensitive resources (i.e., which include, but are not limited to: cultural resources, special-status species, sensitive habitats, target nonnative invasive plants and other predetermined areas with significant sensitive resources) within or near the proposed work area will be flagged to ensure that no activities are conducted in those areas.	During all project activities	Prior to beginning project work. Flagging will be inspected weekly during project activities.	Lead agency	Photo documentation of flagging at any sites prior to construction	
BIO-6: Minimization of Vegetation Removal. Disturbance or removal of vegetation will be kept	Throughout all project activities	Throughout project activities	Lead agency	Document all removed vegetation during	

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<p>to the minimum necessary to complete project related activities. When feasible, branches and limbs extending over the river will not be pruned to avoid potential impacts to shaded riverine aquatic habitat. No native riparian trees with a trunk diameter at breast height in excess of 4 in. will be removed without prior consultation and approval from CDFW.</p> <p>For work at the Celestial Valley Mitigation Site, cuttings are to be harvested by cutting horizontally from the branch, at a measurement of approximately 1.5 in. in diameter and 2.5 to 3 ft in length. The cuttings are to be placed in buckets filled up to 9 in. with water, or at a different depth at the discretion of the contractor and biologist. If the willows are flowering, the gender ratio of the cuttings should be as close to 70 percent pistillate and 30 staminate as possible to facilitate seed production at the mitigation site and improve long term viability. These cuttings will be installed at the mitigation site within two days of harvesting at a depth of approximately 1.5 to 2 ft, or at the direction of the monitor and restoration contractor. If the cuttings dieback in a manner that final performance criteria will not be met, then additional cuttings will be sourced from the Oregon Creek/Yuba River watershed to ensure satisfying final performance criteria.</p> <p>Irrigation is not a component of this mitigation. The Celestial Valley Mitigation Site has been</p>	and during the mitigation at Celestial Valley	and during mitigation at Celestial Valley.		<p>project activities.</p> <p>Implement monitoring plan, including reporting, for the mitigation at Celestial Valley.</p>	

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selected such that all cuttings are expected to survive due to natural systems, including the water in Oregon Creek, rainfall, and existing groundwater resources.					
BIO-7: Construction Best Management Practices. Prior to initiation of project-related activities, within 250 ft of sensitive resources, construction BMPs will be employed on-site to prevent degradation to on- and off-site features. Methods will include the use of appropriate measures to intercept and capture sediment prior to entering aquatic resources, as well as erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Additionally, all proper spill prevention BMPs will be implemented. All BMPs will be in place prior to initiation of any construction activities and will remain until construction activities are completed. All erosion control methods will be maintained until all on-site soils are stabilized.	Throughout project activities	Daily during project activities	Lead agency	Documentation of all BMPS and any required fixes.	
BIO-8: Vehicular Best Management Practices. All proposed project-related vehicle traffic will be confined to established roads, staging areas, and parking areas. Vehicle speeds will not exceed 15 miles per hour, on access roads with no posted speed limit, to avoid collision with special-status species or habitats. Additionally, maintenance or refueling of vehicles or equipment must occur in designated areas and/or a secondary containment, located away from wetted areas.	Throughout project activities	Daily during project activities	Lead agency and primary construction contractor	Vehicle logs for maintenance. Pre-established areas for refueling/maintenance.	

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<p>BIO-9: Stranded/Entrained Aquatic Species Rescue and Salvage. Prior to and during diversion of flow and dewatering of the stream channel and work area, as well as prior to sediment laydown at Disposal Site 2, a qualified biologist will remove all fish, frogs, turtles, and other aquatic vertebrate species in accordance with the <i>Fish Rescue and Salvage Plan</i> developed by YCWA in coordination with Forest Service, CDFW, USFWS, and SWRCB in 2014 (Attachment E). Electrofishing for aquatic species rescue will be restricted to areas clear of FYLF and approved onsite by the CDFW. All species will be captured using fine mesh or soft material nets, or another method approved by the agencies listed above, and transported to release locations in a bucket, ice chest, or other carrying mechanism, with aeration devices for species that require oxygenated water. All species will be moved to an area upstream of sediment removal activities, or away from sediment laydown at Disposal Site 2, where they will not be likely to reenter the work area.</p> <ul style="list-style-type: none"> • Handling of aquatic species will be minimized to the greatest extent possible. • Gloves will be worn at all times during rescue and salvage efforts to minimize effects of handling to the greatest extent possible. 	Prior to dewatering of reservoirs.	Throughout rescue and daily prior to work activities for sediment removal beginning.	Lead agency	Documentation of aquatic species rescue throughout sediment removal project activities	

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<ul style="list-style-type: none"> Prior to entering the stream or initiating any rescue and salvage activities, all gear and equipment will be decontaminated in a designated location where runoff can be contained. All species will be relocated to an area of Oregon Creek or the Middle Yuba River, upstream of project-related activities, to minimize the potential for reentry to the work area. Exclusionary devices (i.e., nets, screens, etc.) will be used on any equipment or project-related materials that have the potential to entrain aquatic species. A qualified biologist will check the work area daily for stranded aquatic life for the duration of dewatering and sediment removal activities. This includes prior to work beginning every morning, and at least two additional times per day. If stranded aquatic species are present, they will be removed by the qualified biologist or the work area will be changed for the day to avoid 					

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the species.					
BIO-10: Special-status Semi-Aquatic Species Protections. Prior to the commencement of any project-related activities or utilization of any project facilities (e.g. staging or parking areas, sediment laydown areas, etc.) that may directly affect special-status semi-aquatic species or their associated habitat, a qualified biologist will perform clearance surveys to identify and relocate frogs outside of work areas. Sediment removal work will start in the areas where sediment is currently elevated and dry where FYLF are much less likely to be present.	Prior to dewatering of reservoirs.	Throughout rescue and daily prior to work activities for sediment removal beginning.	Lead agency	Documentation of semi-aquatic species rescue throughout sediment removal project activities	
BIO-11: Exclusion Devices. Exclusion devices (i.e., nets and screens) will be placed on any pumps or pipes within the impoundment and around the work area as appropriate to exclude aquatic species. Exclusion devices will be in place and maintained in working order at all times water is being diverted. Intake pumps will be fitted with a fish screens meeting the “fry size” criteria of CDFW and the NMFS before water is diverted. Round openings in the screen will not exceed 3/32-in. diameter, square openings will not exceed 3/32 in. measured diagonally, and slotted openings will not exceed 0.069 in. in width. The onsite biologist will periodically inspect all exclusion devices to verify that they are functioning properly and are effectively protecting aquatic vertebrate species.	As soon as pumps and pipes brought into the work area for use.	Every other day check of exclusion devices	Lead agency	Documentation of all exclusion devices, including photos.	

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Block nets sufficient to prevent frog movement through them will be erected at the upstream end of the sediment removal area to prevent relocated FYLF from (re-)entering the sediment removal area.					
BIO-12: Avoid Work in Flowing Water. No heavy equipment will operate, or any excavation take place, in the portion of the stream where flowing water is present, except to place the bypass pumps.	Beginning with work below the Ordinary High Water Mark	Throughout project activities	Lead agency	Documentation of any violations of the measure.	
BIO-14: Migratory Bird and Raptor Surveys. If clearing and/or construction activities occur during the migratory bird nesting season (February 1 – August 31), then preconstruction surveys to identify active migratory bird and/or raptor nests will be conducted by a qualified biologist within 7 days of construction initiation. Focused surveys must be performed by a qualified biologist for the purposes of determining presence/absence of active nest sites within the proposed impact area, including construction access routes and a 500 ft buffer, where feasible.	Prior to sediment removal work, if it occurs prior to August 31	Prior to sediment removal activities, if they are to start prior to August 31	Lead agency	Documentation of any nest surveys	
BIO-15: Nest Avoidance. If active nest sites are identified at the project sites, a no disturbance buffer should be established for all active nest sites prior to commencement of any project construction activities. A no disturbance buffer constitutes a zone in which project-related activities (i.e., vegetation removal, earth moving, and construction) cannot occur. The size of any	Prior to sediment removal work, if it occurs prior to August 31	Throughout sediment removal activities that are performed prior to August 31 or until nest is inactive	Lead agency	Documentation of any nests and buffer flagging, including photos	

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'no disturbance' buffers will be determined by a qualified biologist based on the species, activities proposed in the vicinity of the nest, and topographic and other visual barriers					
BIO-16: Great Gray Owl Collision Avoidance. Prior to hauling sediment, with approval from the County Transportation Department, appropriate barriers will be installed adjacent to documented nesting territories, or as deemed appropriate by the Forest Service. These barriers will be 6 ft high temporary construction fencing raised 18 in. off the ground to allow smaller animals to pass underneath, and installed on the downhill side of the road segment. Perching deterrents, such as snow poles, will be placed onto metal road posts on the uphill side of the road segment. Incidental sightings will be recorded by a qualified biological monitor and reported to the Forest Service and CDFW.	Prior to haul truck use	Throughout construction period	Lead agency and primary construction contractor	Documentation of barriers along road.	
BIO-17: No Net Loss of Sensitive Communities. Mitigation for permanent adverse effects on sensitive communities (seasonal wetlands/riparian habitat) will be provided at a minimum 1:1 ratio. Mitigation can include on-site restoration, in-lieu fee payment, or purchase of mitigation credits at an agency approved mitigation bank. Mitigation as required in regulatory permits issued through CDFW, the USFWS, and/or USACE, as well as the revegetation described in the Project Description,	Prior to start of project activities	Throughout all project activities	Lead agency	Documentation of in-lieu fee payment and mitigation at Celestial Valley	

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may be applied to satisfy this measure.					
3.5 Cultural Resources and 3.18 Tribal Cultural Resources					
<p>CULT-01: Inadvertent Discovery of Historical and Archaeological Resources. In the event that buried cultural deposits (i.e., prehistoric stone tools, grinding stones, historic glass, bottles, foundations, cellars, privy pits, etc.) are encountered during proposed project implementation, work must stop immediately at the discovery site until a qualified, professional archaeologist can determine the nature of the resources and, as appropriate, assist in helping proposed project personnel avoid the resources or implement management measures to evaluate the significance and potential eligibility of the resources for listing on the CRHR, or any local registers, as appropriate.</p>	If cultural materials are discovered during project activities	During all ground disturbing activities	Lead agency	Any unexpected discovery will be avoided. If it cannot be avoided, it will be evaluated for potential listing on the CRHR. If the find is determined to be eligible, representatives of YCWA and a qualified, professional archaeologist will meet to determine the appropriate mitigation measures to be implemented, as appropriate. All significant cultural materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the qualified, professional archaeologist according to current	

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				professional standards. A report will be kept on file at YCWA. A copy of the report will be distributed to tribes, federal and state agencies, as appropriate.	
CULT-02: Inadvertent Discovery of Human Remains. In accordance with the California Health and Safety Code (CHSC), Section 7050.5, and the PRC 5097.98, regarding the discovery of human remains, if any such finds are encountered during proposed project implementation, all work within the vicinity of the find will cease immediately and a 100 foot-wide buffer surrounding the discovery will be established around it. YCWA, or its agent, will be immediately notified, and the TNF, if on TNF lands. The County coroner will be contacted immediately to examine and evaluate the find. If the coroner determines that the remains are not recent and are of Native American descent, the coroner will contact the Native American Heritage Commission (NAHC) in accordance with CHSC Section 7050.5, and PRC 5097.98. YCWA will work with the most likely descendant, as determined by the NAHC, to determine the most appropriate means of treating	If human remains are found during project activities	During all ground disturbing activities	Lead agency	The recordation and disposition of any newly identified human remains shall be conducted by a qualified, professional archaeologist or osteologist in consultation with the Most Likely Descendent (MLD), or landowner in the absence of an identified MLD, and a report shall be kept on file at YCWA. A copy of the report shall be distributed to tribes and federal and state agencies, as	

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the remains. All proposed project personnel should be instructed that any human remains encountered are to be treated with sensitivity and respect, and that their discovery and location are to be kept confidential. Proposed project implementation personnel should be briefed prior to implementation activities regarding procedures to follow in the event buried human remains are encountered.				appropriate.	
3.10 Hydrological Resources					
Mitigation Measure WQ-1: Monitoring. Prior to each sediment passage event or mechanical removal of sediment, YCWA will collect water quality samples upstream and downstream of the diversion impoundment to establish baseline turbidity conditions. Samples will also be collected daily from the established sites during the sediment management activity. If the measured turbidity downstream of the impoundments is inconsistent with the Basin Plan's water quality objective for turbidity or applicable permit requirements, the sediment passage event or mechanical removal of sediment will cease until YCWA consults with the CDFW, CVRWQCB, SWRCB, and TNF and a plan has been agreed upon.	Prior to and during sediment passage and removal activities	Throughout construction period when work is being done below the Ordinary High Water Mark for sediment removal and throughout sediment passage activities	Lead agency	Documentation of water quality data and monitoring/final report	

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